

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JESS T. LAMMERS,

Plaintiff,

vs.

AG VALLEY COOPERATIVE NON-  
STOCK,

Defendant.

**8:21CV354**

**ORDER**

Plaintiff has filed a motion for court-appointed counsel, (Filing No. 29), stating it is now fundamentally unfair that he is not represented. A civil litigant has no constitutional or statutory right to a court-appointed attorney. The court may, however, make such an appointment at its discretion. Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996). A trial court has broad discretion to decide whether both the pro se party and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the pro se party's ability to investigate the facts and present or defend the claims. Id. The court may also consider whether and to what extent the unrepresented party made any effort to retain counsel before seeking court-appointed counsel.

Considering all these factors, the court finds appointment of counsel is not warranted under the facts presented. The claims and defenses at issue are not factually or legally complex, there is no sufficient showing of efforts made to locate counsel without court assistance, and Plaintiff is able to adequately litigate the claims and defenses. Id. See also, 28 U.S.C § 1915(a).

Accordingly,

IT IS ORDERED that Plaintiff's motion for appointed counsel, (Filing No. 29), is denied.

Dated this 28th day of March, 2022.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge